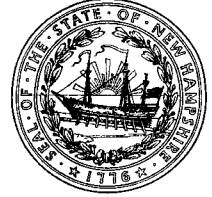




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-016**

February 28, 2006

John W. Mitchell
1 Pleasant Valley St
Middleton, NH 03887

RE: DES Wetlands File #2005-01412 1 Pleasant Valley St, Middleton

Dear Mr. Mitchell:

On August 18, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Middleton Tax Map 13 as Lot 9 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 950 sq. ft. of wetland (19' x 50') had been filled.
2. Approximately 760 sq. ft. of wetland (19' x 40') had been disturbed by rutting and placement of debris.
3. Several trees within a forested wetland had been uprooted.

In response, you are requested to take the following actions:

1. **By June 30, 2006** remove 950 sq. ft. (19'x 50') of fill from wetlands located between the existing retaining wall and the forested portion of the lot near the northwest corner of the house. Remove fill material to the depth of the original organic soil layer and place the removed fill material in an upland area out of Wetlands Bureau jurisdiction.
2. **By June 30, 2006** remove, by hand, stockpiled logs and construction debris from the adjacent 19' x 40' area of partially disturbed wetland located between the retaining wall and the forested portion of the lot near the northeast corner of the house. Removed material shall be placed in an upland area out of Wetlands Bureau jurisdiction.
3. **By June 30, 2006** remove, by hand or winch operated from upland, uprooted stumps from the wetland. Removed material shall be placed in an upland area out of Wetlands Bureau jurisdiction.
4. Seed the restoration areas listed in #1 through #3 above with a wetland seed mix immediately following removal of material and mulch the restoration area with straw.
5. Contact DES 10 days prior to the commencement of restoration activities to coordinate on site DES inspection during restoration if necessary.

6. Within 10 days following completion of restoration activities submit color photographs to DES documenting compliance with restoration activities as outlined above.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Tracey Boisvert, Compliance Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Tracey Boisvert at (603) 271-4061.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2419 3049

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Middleton Conservation Commission
Middleton Board of Selectmen
USACOE